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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,126	12/12/2001	Hans-Olof Backlund	LAGROTH-028	1520

7590 08/02/2004

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EXAMINER

MARTIR, LILYBETT

ART UNIT PAPER NUMBER

2855

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/018,126		BACKLUND ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Lilybett Martir		2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-34 is/are allowed.
- 6) ☒ Claim(s) 14, 17-20 and 24 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 21-23 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonhanson et al. (Pat. 5,747,707).

- With respect to claims 14 and 17, Jonhanson et al. teaches a refining surface including a plurality of refiner bars as in elements 5 and employed in a refiner including a pair of refiner disks as in elements 1 and 2 defining a refining gap there between as noted in Figure 1, comprising at least one measuring member as in element 6 disposed on said refiner surface and including a measuring surface including at least a portion of a plurality of said refiner bars 5 as noted in Figure 2, and resilient mounting means for resiliently mounting said at least one measuring member on said refiner surface, said measuring member adapted for measuring the stress forces across said measuring surface (Col. 1-2, lines 59-3, Col. 3, lines 10-19).
- With respect to claim 18, Jonhanson et al. teaches said at least one measuring member 7 comprises a plurality of measuring members as noted in Figure 1.

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- With respect to claim 19, Jonhanson et al. teaches said at least one measuring member 6 comprises force sensor 7 and a measuring body connecting said force sensor to said measuring surface (Col. 1-2, lines 59-3, Col. 3, lines 10-19).
- With respect to claim 20, Jonhanson et al. teaches said force sensor 6 is in abutment with said measuring body 7 as noted in Figure 2, and including attachment means for fixing said force sensor respect to said measuring body (note that the elements 7 are safely secured to portion 6).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonhanson et al. in view of Ball (Pat. 5,827,112).

- With respect to claim 24, Jonhanson et al. fails to teach said force sensor comprises a piezoelectric sensor. Ball teaches the utilization of a force sensor 54, which comprises a piezoelectric sensor as in elements 60 (Col. 4, lines 14- 24). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the refining device of Jonhanson et al. utilizing the teachings of the

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grinding device of Ball by substituting said force sensor with a piezoelectric sensor therefore making said device reliable and durable.

***Allowable Subject Matter***

5. Claims 29-34 are allowed. Claims 15-16,21-23 and 25-28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, or if the limitations in said claims are inserted in the base claim, form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicants amendments raised new issues that made necessary the new art to be applied and therefore, the arguments presented against Jonhanson are said to be moot due to the new grounds of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (571)272-2182. The examiner can normally be reached on 9:00 AM to 5:30 PM.


8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571)272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lilybett Martir  
Examiner  
Art Unit 2855



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